WASHINGTON STATE DEPARTMENT OF
Natural Resources
Peter Goldmark - Commissioner of Public Lands

Caring for
your natural resources
... now and forever

June 20, 2016

Helen Bottcher, Project Manager
U.S. EPA Region 10 (ECL-122)
1200 6th Ave.
Seattle, WA 98101

Subject: Proposed Plan for Amending the Records of Decision for the Wyckoff/Eagle Harbor Superfund Site (Operable Units 1, 2, and 4)

Dear Ms. Bottcher,

Please accept these comments from the Washington State Department of Natural Resources (DNR) regarding the Proposed Plan for Amending the Records of Decision for the Wyckoff/Eagle Harbor Superfund Site (Operable Units 1, 2, and 4).

DNR is the manager of 2.6 million acres of state-owned aquatic lands (SOAL). DNR is committed to sustainably managing the state's resources, relying on sound science, and making transparent decisions in the public's interest and with the public's knowledge throughout the environmental review and remediation process.

DNR commends EPA for its willingness to modify remedies to address deficiencies in progress towards remediation goals and to implement these proposed remedies to speed up the recovery process; the extensive investigative work conducted to develop this proposal; and the outreach efforts put forth to ensure a thorough public review process.

It is understood that this is a proposed cleanup to further address soil and groundwater contamination at the former Wyckoff wood treatment facility and that EPA is proposing to use a combination of cleanup technologies to accomplish.

We understand the plan for the upland portion of the site is to mix cement and other reagents into the most heavily contaminated soil more than 50 feet below ground with the intent to prevent the contamination from moving any further. In less contaminated areas, contaminants will be extracted with new groundwater wells, and air and nutrients will be injected with the intent to speed the natural breakdown of contaminants by bacteria, hopefully reducing the need for treatment in the passive groundwater drainage system. Finally, a thick layer of clean soil will be placed over the soil and a new concrete perimeter wall will be built next to the existing metal wall.

There will be an outfall that drains groundwater from this area and on-going monitoring will be conducted to ensure that discharge remains within the permitted levels noting that treatment will be increased as necessary to meet these levels. If discharge requirements cannot be met treatment and/or further remedial action will occur.

In the adjacent beaches, EPA will remove contaminated sediments to a depth of 30 inches and backfill with a clean sand cap designed to prevent contaminants from coming up to the beach surface.

It is understood that this is considered an interim action and that further actions may be proposed based on success of initial action to be determined by on-going monitoring and additional TarGOST studies.

After reviewing the proposal DNR offers the following comments:

1) We understand impacts to eelgrass beds in certain areas may not be able to be avoided during the remediation process. It is DNR's hope that remedial actions taken on beaches are sufficient to remove and/or contain contaminants to level sufficient to eliminate need for re-entry at a later date.

2) DNR is encouraged by language in Section 4.4.3. Mitigation plans for eelgrass impacts need to be addressed upfront to be certain there is no net loss of habitat function from these actions (see WDFW, WAC 173-26-186 – shoreline master program, WAC 365-190-130, 220-110-280 – No Net Loss).

3) Eelgrass mitigation plans should weigh whether natural recruitment will take place, where mitigation stock should be planted, where it should be acquired, whether re-establishment will be an issue and take into account temporary loss when developing mitigation goals and objectives. We need to ensure that, at minimum, previous density and area of coverage are achieved and that sufficient restoration, maintenance and monitoring is implemented to ensure this success.

4) DNR eelgrass experts can assist with plans to salvage eelgrass from removal areas, develop monitoring plans for remaining eelgrass beds, develop mitigation/restoration goals and objectives, as well as monitoring plans to ensure these goals and objectives are met.

5) Proposal states that a new wall will be constructed inside the existing wall yet in previous discussions I have been told this may not be able to be accomplished due to presence of large debris placed inside the wall. We support and prefer the plan as proposed.

    a. If during the design phase it is determined that the new concrete wall has to be built outside the existing wall, the hydrodynamics should be modelled (e.g., wave energy, water reflection, etc.) to assess potential and/or likely impacts to existing eelgrass beds. Any negative impacts to eelgrass beds should be accounted for in an eelgrass mitigation plan developed prior to implementation of remedial action. We ask that EPA consult with our eelgrass experts (as they have done in the past) to develop the eelgrass assessment and mitigation plan.

6) In regards to impacts to SOAL and need for a use-authorization from DNR:
    - The Wyckoff OU-1 Focused Feasibility Study Area includes tidelands only, with the water ward limit crossing back and forth over the 0.0 contour (see Figure 2-2).
    - Based on the NAPL concentrations (Figure 3-6 and Figure 3-7) and proposed remedial action, there does not appear to be any dredging/capping extending below perhaps -1.0 MLLW (at the NW area of the North Shoal).
    - The tidelands are not SOAL. Non-SOAL tidelands extend to extreme low tide (-4.5 MLLW). Therefore, the proposed remedial actions (dredging/capping/sheet pile wall) as proposed in the study area would not require a DNR use authorization, however, it is unclear whether the outfall would extend onto SOAL.

- The proposed remedial action relies heavily on barge use. The presence of barges on SOAL – as they will likely be moored nearby for long periods of time and not be "in navigation" – would require a DNR use authorization in the form of a **right of entry** (a license that conveys no property rights).
- The principal habitat stewardship measure DNR would likely require include locating, mooring, and moving the barges to:
  -avoid/minimize grounding (objective: avoid crushing benthic organisms),
  -avoid/minimize the need to spud down/anchor in eelgrass (objective: avoid damaging native submerged aquatic vegetation), and
  -avoid/minimize the duration of shading from extended barge moorage at any one location over eelgrass (objective: avoid damaging native submerged aquatic vegetation).

- Should an outfall extend onto SOAL now or in the future EPA would need to work with DNR and long-term manager of this site/outfall (most likely City of Bainbridge) to develop an easement for this outfall.
- EPA should apply to the local DNR office (Orca-Straits District; 5310 Eaglemount Rd.; Chimacum, WA 98325) for a use authorization for the barges and, if necessary, easement for the outfall.

7) Regardless of whether outfall extends onto SOAL discharge from this outfall could negatively affect sediment quality of SOAL. DNR asks that we be kept informed of any exceedances detected from monitoring results and ask that increased treatment and/or proposed Phase II remedial action be implemented sooner than later should significant and/or ongoing exceedances occur.

DNR appreciates the opportunity to submit comments on the Proposed Plan. Should you have any questions regarding this letter, please do not hesitate to contact me at 360-902-1064.

Sincerely,

Shayne Cothern
Site Manager, Sediment Quality Unit, Aquatics Division

cc: Kristin Swenddal, Aquatics Division Manager
Jeff Gaeckle, Nearshore Scientist
Dennis Clark, Assistant Division Manager, Orcas District